

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

AUTOMOTIVE PARTS MANUFACTURERS' ASSOCIATION

Plaintiff/
Moving Party

-and-

JIM BOAK, JOANNE CALLAWAY, HILDA FISHER,
LORI INVERARITY, LEO LUCIO, GIL PONTE, MANBAE SINGH-GALL
DARLENE THOMPSON and JOHN DOE

Defendants/
Responding Parties

-and-

THE CORPORATION OF THE CITY OF WINDSOR,
ATTORNEY GENERAL FOR ONTARIO

Intervening Parties

-and-

THE DEMOCRACY FUND

Intervenor/
Friend of the Court

AFFIDAVIT OF FABIO COSTANTE
(Sworn February 17, 2022)

I, Fabio Costante, of the City of Windsor, in the Province of Ontario, make oath and say:

1. I have served as City Councillor for Ward 2 of the City of Windsor (the “**City**”) since I took office in December 2018. As such, I have knowledge of the matters set forth in this affidavit, except where I have received information from others, in which case I disclose the source of the information and verily believe it to be true.

2. Prior to my election I served as a community advocate for the City of Windsor's west end neighbourhoods and served as a Windsor-Essex Catholic School Board Trustee for Wards 2 and 9.
3. Ward 2 is located in the west end of the City of Windsor, bounded to the north by the Detroit River and to the South by the E.C. Row Expressway and Tecumseh Road West. It extends to approximately Cameron Avenue to the east and to Ojibway Parkway in the west. The Ward is divided approximately in half by Huron Church Road. I have attached a map of Ward 2 hereto as Exhibit "A".
4. Commencing on February 7, 2022, a protest obstructed the intersection of Huron Church Road and College Avenue leading to the Ambassador Bridge as well as the secondary Bridge entrance on Wyandotte St. W. (the "Protest"). The Police restored access to the Bridge late on February 13, 2022. Police presence remains in the area to date.
5. The intersection of Huron Church Road and College Avenue leading to the Ambassador Bridge is in the heart of my Ward, as is the secondary entrance to the Bridge on Wyandotte Street West. Many residents live in close proximity to the entrances to the Ambassador Bridge. I also live in Ward 2, approximately three blocks from the location of the protest, and commute daily across Huron Church Road.
6. Ward 2 is a working class district, and its residents are an eclectic mix including families, seniors, students, and newcomers to Canada. The majority of the University of Windsor campus is within Ward 2. There are five elementary schools and two high schools in the Ward. The Ward is home to a variety of businesses, including many small businesses, grocery stores, pharmacies, professional services, and retailers who provide day-to-day essentials for many residents.
7. Wyandotte Street W. is the centre of a usually-bustling neighbourhood and features numerous small businesses. The Sandwich Town neighbourhood, to the West of Huron Church Road, boasts its own Business Improvement Association and is home to many historically significant buildings.

8. Local businesses and residents have contacted me about the negative impact the protest has had on them. Local business owners have told me that they suffered as a result of people avoiding the area due to the protest. Intermittently, Wyandotte Street West was inundated with trucks, backed up for multiple city blocks as they attempted to access the Bridge via its secondary entrance. On at least one occasion, Wyandotte Street West was backed up to Crawford Avenue, which runs perpendicular to Wyandotte and is outside the eastern boundary of my Ward.
9. Many people contacted me about the protest. Residents told me that they were disturbed by noise, including vehicle noise, shouting, and loud music. Local parking was disrupted. The following email is an example of the types of communication I received from residents:

Mr. Costante, the continued blaring of horns and blockading of Huron Church Road by the 'Freedom Protest' pose not only a safety concern for residents in this community, but also a great burden on those who must put up with the unruly behaviour of the participants. During the day school buses were not permitted to cross through the intersection of Girardot and Huron Church due to trucks not stopping properly at the lights. And this evening all lanes of the roadway were blocked to allow for a raging 'party'. Participants were seen carrying barbecues, and loud music blared into the evening. Earlier this week an EMS vehicle had difficulty getting down the roadway. How long will the fire and EMS response times be to these neighbourhoods given the blocked roadway?...

10. Residents told me that the protest impeded their ability to travel about the City. Sandwich Town residents are divided from the rest of the city by Huron Church Road – a major traffic artery. While east-west traffic was still able to flow on University Avenue and Riverside Drive, these streets were more congested than usual given the volume of cars redirected to that area. Many people, including me, must cross Huron Church Road daily to get to work or buy groceries. By closing down this road, the protest left many residents isolated from the rest of Windsor and unable to go about their daily lives.
11. The protest also interfered with public transit through and out of the Ward, requiring transit vehicles to be re-routed - lengthening travel time and creating delays. Many residents expressed to me their frustration and anger with the Protest and its impact on transportation, parking and daily activities in

the Ward. I and other residents were impacted by the uncertainty and anxiety associated with the Protest. I was deeply concerned about the possibility of violence or civil unrest in the Ward.

12. Residents and businesses in Ward 2 continue to be impacted by the Protest.

13. Windsor Police have erected traffic controls along Huron Church Road since February 14, 2022.

This means that traffic disruptions continue to the date of this affidavit, as individuals and transit vehicles are forced to adopt alternate routes to traverse the City from West to East. This is causing delays for many when gas prices are high. For those who rely on Windsor Transit or local cab fares, the burden has increased in both in time and cost.

14. In addition to the foregoing, the business community along Huron Church Road has continued to suffer. Transportation routes to local businesses are blocked or impeded, and the general sensitivity of the situation has precluded many from accessing the businesses.

15. The Protest and its impacts are well outside of the ordinary experience of this community.

SWORN BEFORE ME via video conference in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely, the affiant being located in the City of Windsor, in the Province of Ontario, and the Commissioner being located in the City of Hamilton, in the Province of Ontario, on February 17, 2022.

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DocuSigned by:

Bevin Shores

75F43E7F402846F

Commissioner for Taking Affidavits
(or as may be)

Bevin Shores (LSO #56161F)

DocuSigned by:

Councillor Fabio Costante

524954E5F33C4E3

FABIO COSTANTE

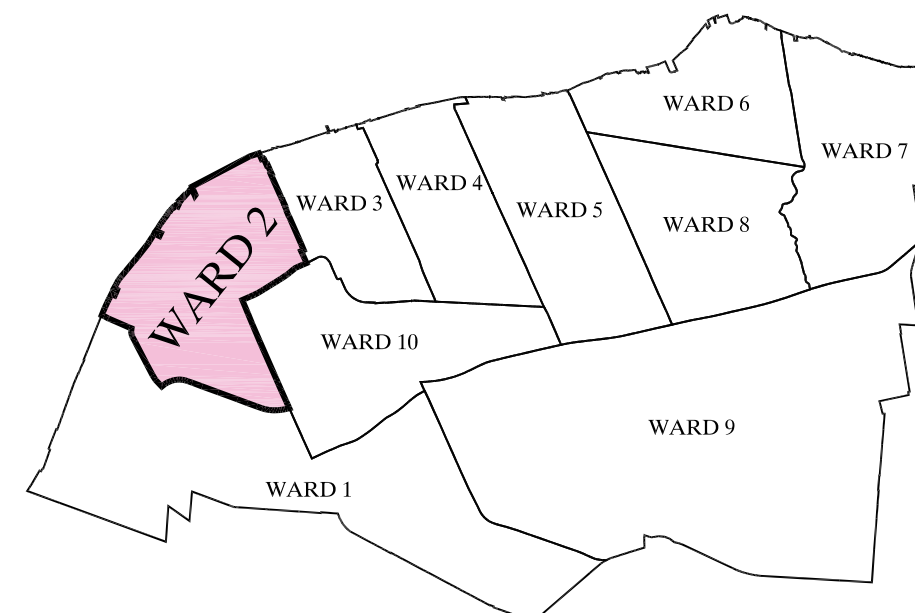
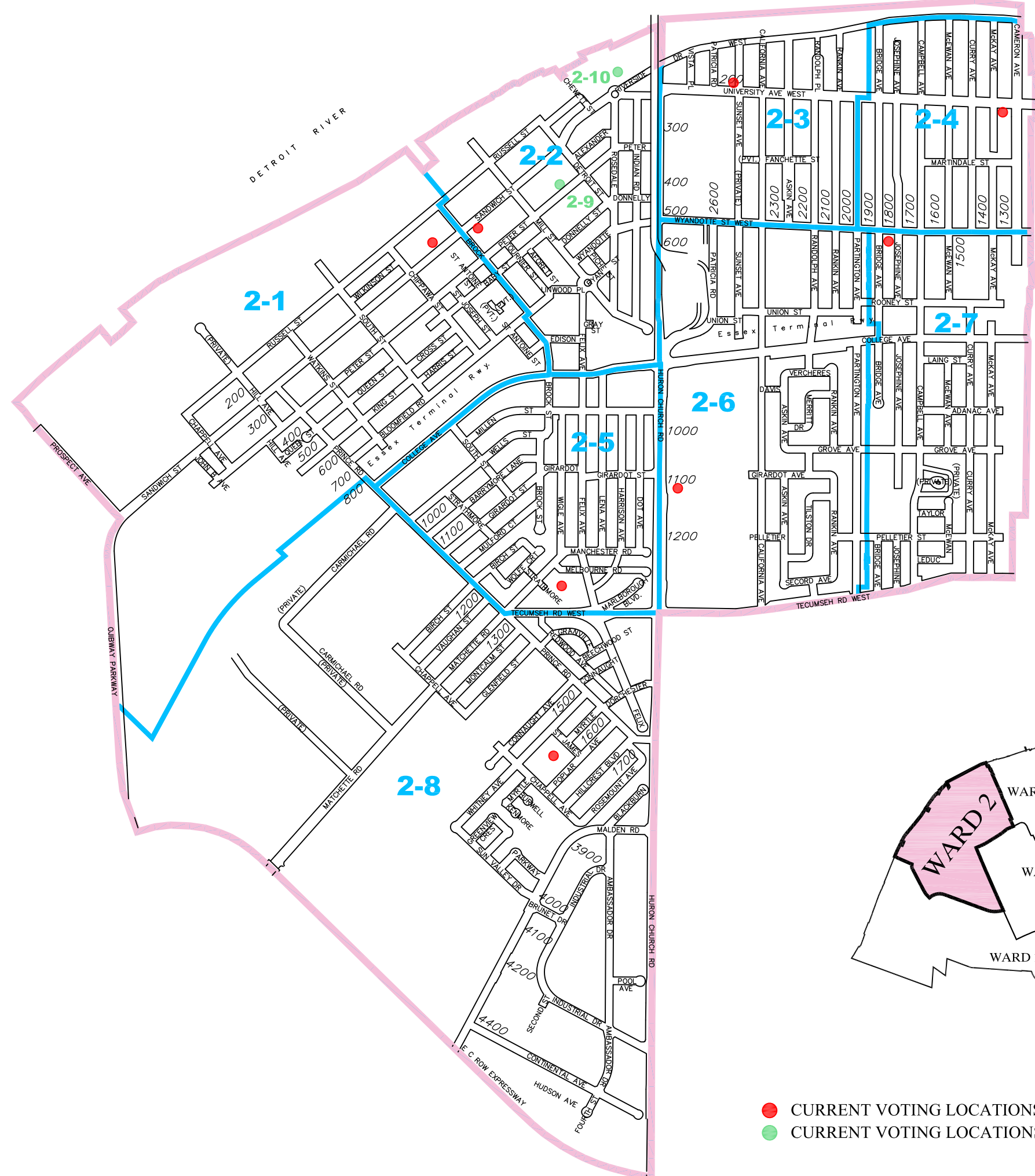
THIS IS EXHIBIT "A" TO THE AFFIDAVIT OF
FABIO COSTANTE, SWORN BEFORE ME,
THIS 17TH DAY OF February, 2022

DocuSigned by:
Bevin Shores
75E43E7E402846F

A COMMISSIONER ETC.

Bevin Shores (LSO #56161F)

WARD 2 MUNICIPAL ELECTORAL MAP



KEY PLAN

- CURRENT VOTING LOCATIONS
- CURRENT VOTING LOCATIONS - RESIDENTS ONLY

Prepared by Geomatics